

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2004 JUN -4 A 10:43

SHELDON G. ADELSON,

Plaintiff,

v.

MOSHE HANANEL,

Defendant.

U.S. DISTRICT COURT
DISTRICT OF MASS.

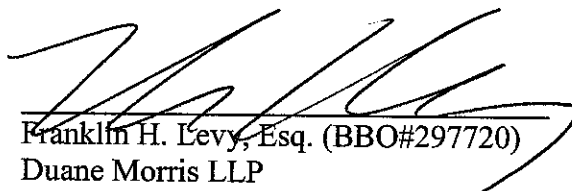
Docket No. 04CV10357RCL

AFFIDAVIT OF SERVICE PURSUANT TO THE HAGUE CONVENTION

Franklin Levy says:

1. I represent plaintiff in the law action.
2. On May 24, 2004 the Complaint and Summons were served upon defendant at his usual place of abode in Israel pursuant to the Request for Service Abroad of Judicial or Extra Judicial Documents as authorized by this Court and the Hague Convention..
3. A true copy of the Return of Service and relevant documents is attached hereto.

SIGNED THIS 4th DAY OF JUNE , 2004.


Franklin H. Levy, Esq. (BBO#297720)
Duane Morris LLP
470 ATLANTIC AVENUE, SUITE 500
BOSTON, MA 02210
PHONE: 617.289.9200
FAX: 617.289.9201

STATE OF ISRAEL
DIRECTORATE OF COURTS

Jerusalem
30 May 2004
Our file: 1-243/04

Office of the Clerk
US District Court
One Courthouse Way
Boston, Mass 02110
U.S.A

Dear Sir/Madam,

Subject: **Your request for Service of Documents**

Dated: 11th May 2004

Your request for service of documents has been executed.
Please find the attached documents concerning your request.

Sincerely ,



Brian Zietman
Division Director,
Legal Assistance to Foreign Countries

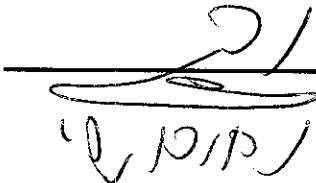
AFFIDAVIT

I, the undersigned, Nachum Shay (Israeli Identity card No. 058121047), after being warned that I must state the truth, and that in the event that I shall fail to do so, I will be liable to the penalties prescribed by Law, hereby declare as follows:

1. On 13.5.2004 I was authorized by The Israeli Directorate of Courts to perform service of process of legal documents from abroad (hereinafter: the documents) according to The Hague Convention of 15th November 1965 on the Service Abroad of Judicial and Extrajudicial documents in Civil or Commercial Matters. The nature of the documents is a lawsuit submitted by Mr. Sheldon Edelson against Mr. Moshe Hananel in the USA. I was authorized to perform the service of process at Mr. Moshe Hananel's address: Ha'elah Street 21, Mevasseret Zion (hereinafter: address of service).
2. On 13.5.2004 I arrived at the address of service at 15:15. I rang the doorbell, but received no reply.
3. On 17.5.2004 at 21:45 I arrived at the address of service. I knocked on the door and rang the doorbell. Nobody opened the door. However, from beyond the door a woman answered me. She identified herself as Tirza Hananel, Mr. Hananel's wife, and said at loud that Mr. Hananel was not home, and that she was afraid to open the door. At her request, I left the documents near the doorway.
4. On 20.5.2004 I reported to the offices of The Israeli Directorate of Courts in Jerusalem in order to receive a confirmation of service. Mr. Brian Zietman informed me that someone from the Hananel family had phoned the The Israeli Directorate of Courts and reported that the documents were submitted to them at 23:00 at night. As mentioned above, I had delivered the documents at 21:45.
5. On 21.5.2004 I drove once again and arrived at the service address at 8:30 in the morning. Mrs. Tirza Hananel opened the door, told me her husband was not home and refused to accept the documents.
6. On 23.5.2004 I drove once again and arrived at the service address at 19:25 in the evening. The lights in the house were on. However, although I knocked on the door, rang the doorbell and called aloud to the residents of the house, no one opened the door.

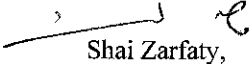
7. On 24.5.2004 I drove once again and arrived at the service address at 11:25. I knocked on the door and nobody opened for me. I stuck the documents with tape on the door.
8. The contents of this affidavit were translated verbally for me by Mr. Brian Zietman of the Israeli Directorate of Courts from English to Hebrew in the presence of Adv. Shay Zarfaty. I understood the contents thoroughly and agree to them.

My name is specified above, my signature is herein below and the content of this my affidavit is true.

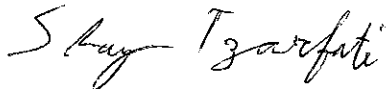


Certification by Lawyer

I, Advocate Shai Zarfaty, hereby certify that on the 24th May 2004, Mr Nachum Shay appeared before me, identified himself with his identity card and, after I warned him that he must tell the truth and will be subject to the penalties prescribed by law if he does not do so, certify that the above is a true affidavit of the above.


Shai Zarfaty,
Lawyer No 27211
Directorate of Courts
Jerusalem, Israel

שׂי צרפתי, עו"ד
עוזר משפטי
לשׂת בתי המשפט (1)



U.S. Department of Justice
United States Marshals Service



1-243/04

REQUEST FOR SERVICE ABROAD OF JUDICIAL OR EXTRAJUDICIAL DOCUMENTS

DEMANDE
AUX FINS DE SIGNIFICATION OU DE NOTIFICATION A L'ETRANGER
D'UN ACTE JUDICIAIRE OU EXTRAJUDICIAIRE

Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965.

Convention relative 'a la signification et 'a la notification 'a l'etranger des actes judiciaires ou extrajudiciaires en matiere civile ou commerciale, signee 'a La Haye, le 15 Novembre 1965.

Identity and address of the applicant
Identite et adresse du requerant

Clerk's Office
United States District Court
District of Massachusetts
One Courthouse Way
Boston, MA

Address of receiving authority
Adresse de l'autorite destinataire

Israeli Central Authority
22 Kanfei Esharin Street
Jerusalem, Israel 95464
Attn: Mr. Brian Zeitman,
Director of Courts

The undersigned applicant has the honour to transmit-in duplicate-the documents listed below and, in conformity with article 5 of the above-mentioned Convention, requests prompt service of one copy thereof on the addressee, i.e.,

(identity and address)

Le requerant soussigne a l'honneur de faire parvenir-en double exemplaire-a l'autorite destinataire les documents ci-dessous enumeres. en la priant conformement a l'article 5 de la Convention precitee, d'en faire remettre sans remettre un exemplaire au destinataire, savoir:
(identite et adresse)

☐ (a) in accordance with the provisions or sub-paragraph (a) of the first paragraph of article 5 of the Convention.*
a) selon les formes legales (article 5 alinea premier, lettre a).

☐ (b) in accordance with the following particular method (sub-paragraph (b) of the first paragraph of article 5)*:
b) selon la forme particuliere suivante (article 5, aline'a premier, lettre b) :

Moshe Hananel, Ella 21 Street, Mevaseret Zion, Israel

☐ (c) by delivery to the addressee, if he accepts it voluntarily (second paragraph of article 5)*:
c) le cas echeant, par remise simple (article 5, alinea 2).

The authority is requested to return or to have returned to the applicant a copy of the documents-and of the annexes—with a certificate• a provided on the reverse side.

Cette autorite est prie de renvoyer ou de faire renvoyer au requerant un exemplaire de l'acte-et de ses annexes -avec l'attestation figurant au verso.

List of documents

Enumeration der pieces
Summons

Complaint

Done at Boston Ma. USA, the 11th of May 2004
Fait 'a, le

Signature and/or stamp

Signature et/ou cachet

Shmuel M. Hananel, Clerk

United States District Court, District of MA
Pursuant to Court Order dated 3/3/04 a true
certified copy attached hereto.

*Delete if inappropriate
Rayer les mentions inutiles.

USM Form 94

Est. 11/77, Automated 11/00

(Formerly OBD-116, which was formerly LAA-116, both of which may still be used)

**CERTIFICATE
ATTESTATION**

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention,
L'autorite soussignée a l'honneur d'attester conformément à l'article 6 de ladite Convention.

1) that the document has been served *

1. que la demande a été exécutée

-the (date) -le (date)

-at (place, street, number) -à (localité, rue numéro)

24th May 2004
21 HAECLA St, Mevassent
Zion ISRAEL

--in one of the following methods authorized by article 5-

--ons une des formes suivantes prévues à l'article 5

- ☐ (a) in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention*.
a) selon les formes agréées (article 5, alinéa premier, lettre a)
- ☐ (b) in accordance with the following particular method:
b) selon la forme particulière suivante:
- ☐ (c) by delivery to the addressee, who accepted it voluntarily.*
c) par remise en main propre

The documents referred to in the request have been delivered to:

Les documents mentionnés dans la demande ont été remis à

-(identity and description of person)

-l'identité et qualité de la personne

MOSHE HANANER

-relationship to the addressee family, business or other

-liens de parenté de subordination ou autres, avec le destinataire de l'acte

2) that the document has not been served, by reason of the following facts*:

2. que la demande n'a pas été exécutée, en raison des faits suivants:

In conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay or reimburse the expenses detailed in The attached statement*

Conformément à l'article 12, alinéa 2, de ladite Convention, le requérant est prié de payer ou de rembourser les frais dont le détail figure au mémoire ci-joint.

Annexes

Annexes

Documents returned:

pièces renvoyées

Copy used for service as original
was not served in
the proper manner

In appropriate cases, documents establishing the service:

Le cas échéant, les documents justificatifs de l'exécution:

Note: Affidavit attached. ✓

Done at
Fait à

Signature and/or stamp.
Signature et/ou cachet

Done at Jerusalem, the 30th May 2004
Fait à

